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June 30, 2021

By ECF

The Honorable Edward R. Korman
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Scott et al. v. Quay et al.*, 19-cv-01075 (ERK) (PK)

Dear Judge Korman:

This office represents the Plaintiffs and the Class in the above-captioned action. Plaintiffs write to request that the Court: (1) unseal Plaintiffs' Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Class Certification (the "Reply"), previously filed under seal on May 6, 2021, and (2) grant leave to Plaintiffs to file on the public docket an unsealed and undesignated version of an exhibit to the Reply, Exhibit 1, which was also filed under seal on May 6, 2021. *See* ECF No. 132.

The reason for this request is that, pursuant to the June 24, 2021 Order of Magistrate Judge Kuo denying Defendant's motion for a protective order, Exhibit 1 to the Reply—a Bureau of Prisons After Action Report ("AAR")—is no longer designated as "Confidential" or "Attorneys' Eyes Only."

Plaintiffs originally sought the Court's permission to file the Reply and Exhibit 1 under seal because the Reply discussed the AAR and Exhibit 1 consisted of the AAR, which Defendants had designated as "Confidential" and "Attorneys' Eyes Only" under the parties' Protective Order. Plaintiffs challenged the AAR's designation. *See* ECF Nos. 126 (joint letter describing challenge), 135 (Defendant's motion pursuant to Fed. R. Civ. P. 26(c)), 137 (Plaintiffs' reply in opposition). After reviewing the parties' written submissions and hearing argument, Judge Kuo denied Defendants' motion for a protective order and ruled that the AAR's "Confidential" and "Attorneys' Eyes Only" designations should be removed. *See* June 24, 2021 Order. On June 24, Defendant produced to Plaintiffs a copy of the AAR without the "Confidential" and "Attorneys' Eyes Only" designations, per Judge Kuo's order.

As there is no longer any rationale for the unredacted version of Plaintiffs' Reply or Exhibit 1 to remain sealed, Plaintiffs respectfully request that the Court unseal the Reply and grant leave to Plaintiffs to file on the public docket the undesignated version of the AAR as a replacement for Exhibit 1 to the Reply. Defendants do not object to Plaintiffs' request.

Sincerely,

/s/

Sonya Levitova
Scout Katovich
Katherine Rosenfeld
O. Andrew F. Wilson

Cc: All Counsel of Record (via ECF)